



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: OEA Research Ecological Services

File: B-245524

Date: October 30, 1991

Steve Gilbert for the protester,
Allen W. Smith, Department of Agriculture, for the agency.
Linda C. Glass, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

The General Accounting Office will not review an affirmative determination of responsibility absent a showing of possible bad faith or fraud or misapplication of definitive responsibility criteria.

DECISION

OEA Research Ecological Services protests the Department of Agriculture's issuance of a purchase order to Tom Bombadil & Friends under request for quotations (RFQ) No. 14-91-064. The purchase order is to survey and identify the essential components and positive attributes of old growth habitat in the Kootenai National Forest. OEA maintains that the narrative portion of the survey is best completed by an individual with training and experience in old growth ecology and objects to the award because the awardee proposed a surveyor with only experience doing timber stand exams and "parts of old growth type surveys." OEA argues that it submitted a reasonably priced quote and is the most technically qualified firm.

We dismiss the protest.

The RFQ was issued to 24 firms on July 11, 1991, with a closing date of July 29. The firms were to respond to an experience questionnaire, which was an exhibit to the RFQ, that required the names of all personnel to be used on the project and their experience in the following: plant identification; bird identification; and insect and disease identification primarily on tree species. Two quotes were

received, both of which contained a response to the experience questionnaire. OEA proposed two surveyors, the primary surveyor who had experience conducting old growth surveys and a second surveyor who had old growth survey experience.¹ Bombadil's proposed principal surveyor had experience conducting timber stand exams, some of which contained old growth surveys. Based on the questionnaire, the contracting officer determined that both firms had the necessary experience and ability to complete the project in a timely manner. On August 20, although the agency technical representative told the contracting officer that it was his opinion that OEA was better qualified to perform the work, the contracting officer issued a purchase order to Bombadil on the basis of its significantly lower quote and favorable recommendations concerning Bombadil's work from other Forest Service officials. OEA filed this protest with our Office on September 5.

In its response to our Office, the agency states that the intent of the experience questionnaire was to assist the contracting officer with the responsibility determination. The agency reports that Bombadil's proposed principal surveyor had experience with old growth surveys during his employment with the Forest Service and had recently completed more than 1,100 timber stand exams, which contained old growth surveys.

The RFQ requested the names and experience of proposed personnel in specified areas, but it did not require any firms to meet any specific objective standard concerning old growth surveys. Consequently, any challenge to Bombadil's ability to perform the survey concerns the agency's general determination that Bombadil is a responsible contractor because it relates to the awardee's ability to perform. See DTM Inc., B-241270.2, Feb. 15, 1991, 91-1 CPD ¶ 178. Our Office will not review an affirmative determination of responsibility, which is largely a business judgment, unless there is a showing that definitive responsibility criteria in the solicitation were not met or a showing of possible fraud or bad faith on the part of procurement officials. 4 C.F.R. § 21.3(m)(5) (1991). Where, as here, there is no showing of possible fraud or bad faith, or that the definitive responsibility criteria have been misapplied, we have no basis to review the protest.

¹OEA, in its quote, maintained that the surveyor had experience conducting timber stand exams, inventory vegetation, and studying other ecological communities along with her expertise in fields such as plant taxonomy, which demonstrated her aptitude to learn and competently conduct old growth surveys.

While the protester objects to the awardee's alleged lack of old growth survey experience, the contracting officer reasonably disagreed with the technical representative's opinion. The contracting officer noted that the technical representative did not address Bombadil's experience in his review of the quotes. The contracting officer was satisfied that the awardee's staff had sufficient experience based on prior old growth habitat study and its timber stand experience which included some old growth surveying to perform the survey properly. We note that the protester's proposed secondary surveyor, who would perform a portion of the survey, did not have direct old growth survey experience.

The protest is dismissed.



Michael R. Golden
Assistant General Counsel